

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS BELL TELEPHONE)	
COMPANY)	
)	ICC Docket No. 05-0077
)	
Petition for Waiver Pursuant to)	
Part 785 of the Commission's Rules)	

DRAFT PROPOSED ORDER

By the Commission:

In its Verified Petition for Waiver Pursuant to Part 785 of the Commission's Rule, filed on February 4, 2005, Petitioner Illinois Bell Telephone Company ("SBC Illinois") seeks a waiver to Part 785.55(a)(3) of the Illinois Administrative Code for twelve of its central offices.

Pursuant to notice give in accordance with the rules and regulations of the Commission, this matter came on for hearing before a duly authorized Administrative Law Judge of the Commission at its offices in Springfield, Illinois on March 29, 2005. Appearances at the hearing were entered by counsel on behalf of SBC Illinois and Commission Staff ("Staff") and by Kevin McClain of the Illinois Emergency Management Agency and Misty Matykiewicz of the Office of the State Fire Marshall. SBC Illinois presented the testimony of Robert A. Lindsley, an Area Manager of Network Power Engineering. Staff presented testimony from witness Kathy Stewart. Kevin McClain and Misty Matykiewicz also made statements at the hearing. In addition, SBC Illinois' Verified Petition, the filed testimony of witness Lindsley (Exhibit 1.0) and Exhibits numbered 1.1 through 1.4, were admitted into evidence. At the conclusion of the hearing on March 29, 2005, the record was marked "Heard and Taken."

Background; Statutory Authority

Illinois Bell Telephone Company ("SBC Illinois") is a corporation organized under the laws of the State of Illinois and is a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq. SBC Illinois owns and operates telecommunications facilities, and provides intrastate local exchange and intraLATA

interexchange telecommunications service in its service area within the state. SBC Illinois is a “carrier” under the jurisdiction of the Commission within the meaning of Part 785.5 of 83 Ill. Admin. Code 785, “Joint Rules of the Illinois Commerce Commission, the Office of the State Fire Marshall, and the Illinois Emergency Management Agency: Fire Protection and Emergency Services for Telecommunications Facilities.” Part 785.55(a)(3) states:

Main power supply systems, both AC and DC, shall be designed to enable a practical, safe disconnection of all interior feed circuits using a master or zoned master switches or fuses. Multiple locations for zoned master switches or fuses may be utilized, but no more than three locations per floor shall be permitted except that existing telecommunications switch facilities with multiple power supply systems exceeding three locations per floor shall develop and utilize a coded layout plan for effective zoned disconnections subject to individual approval by the Office of the State Fire Marshall. Details of such disconnect plans shall be made a part of the pre-emergency plan.

Part 785.65(d) and (e) govern waiver from Part 785.55, and state:

(d) If waiver from any of the requirements herein is desired in any particular case, the Agencies will consider the application for such waiver when accompanied by a full statement setting forth the conditions existing and the reasons why such waiver is desired. In considering such requests for waivers, factors that the Agencies shall consider include economic impacts of compliance, costs and rate consequences, and service interruption potential. It is understood that any waiver so granted shall apply only to the particular case covered by the application, and waiver shall not be extended to other cases unless specifically granted by the Agencies.

(e) Application for waiver shall be made to the Illinois Commerce Commission pursuant to 83 Ill. Adm. Code Part 200. The Illinois Commerce Commission shall coordinate the waiver review process with the Agencies.

SBC Illinois seeks a waiver for twelve of its central offices from Administrative Code Part 785.55(a)(3), which limits the number of power supply disconnection points to three locations per floor. The twelve central offices for which SBC Illinois is seeking the waiver are located in Arlington Heights, Aurora, Champaign, Chicago (3), Elk Grove, LaGrange, Naperville, Northbrook, Oak Brook and Waukegan.

SBC Illinois’ Petition, along with the testimony at hearing of Mr. Lindsley, sets forth the conditions and reasons waiver of Part 785.55(a)(3) is desired for the twelve central offices

enumerated in the Petition. SBC Illinois explains that it has already redesigned 55 of its 321 central offices so that there are no more than three disconnection points per floor, in response to Code Part 785.55(a)(3). However, to redesign the remaining twelve larger central offices would expose customers to a high risk of service failure, due to limited floor space, limited floor loading restrictions, accessibility to existing building superstructure and cable rack congestion.

Existing Conditions

In his filed testimony, Mr. Lindsley first explained what the basic power supply demands are in a typical SBC Illinois' central office. They fall into two categories: AC and DC power demands. The main AC demands include heating, ventilation and air conditioning (HVAC) loads, AC-powered computer and terminal equipment, Direct Current (DC) power plant rectifier loads, lighting loads, and mechanical loads such as sump pumps and outside plant cable pressure systems. The main DC loads consist of SBC Illinois' switching and toll network equipment loads, and CLEC collocation equipment loads. DC power is required to charge backup batteries in SBC Illinois' central offices, and only the DC power can be used to charge the backup batteries. Running the telecommunications equipment through a battery power source ensures that telecommunications service is maintained, even if commercial power is disrupted.

In central offices, most of the power disconnection points are located in the basement. Most commercial AC-power feeds enter a central office in the basement, and these feeds terminate on an AC service board, which is also located in the basement. The main disconnect breaker or fuse resides on the service board. The main disconnect breaker allows all of the non-backed up AC power to be turned off in the building. This main breaker is counted as one of the main power disconnection points on the basement floor. The second disconnection point is the output breaker or fuse on the backup stationary generator, if the central office has one. Most of the SBC Illinois' backup stationary generators are located in the basements of the central offices due to the weight of the generator. The floor load ratings on other floors within the central office normally cannot support the weight of the backup generator without adding expensive and

extensive bracing to help support the extra weight of the backup generator. Normally, adding additional bracing to a floor is also physically prohibited due to the lack of access to the floor's superstructure because of obstacles such as HVAC ventilation ducts, cable racking etc. The third main power disconnect would be for DC power plants, which also pose very heavy load and are therefore located on the basement floor of a central office.

Mr. Lindsley explained that in a smaller central office, there would only be one AC service board, one backup generator and one DC power plant. In other words, there would be no need to have more than three power disconnection points in the basement floor. By contrast, in large central offices where there is more voice and data traffic being processed, there could be multiple AC commercial feeds and AC service boards, multiple generators and multiple power plants. The reason for these multiple placements is driven by large loads that cannot be accommodated by a single power unit. In the twelve central offices for which SBC Illinois is seeking a waiver, and where there are currently more than three disconnection points per floor, it is typically in the basement where the number of disconnection points exceeds three.

Mr. Lindsley explained the existing safety measures that SBC Illinois has employed to ensure that a central office power supply could be safely disconnected in the event of an emergency. There are easy and safe ways to shut off power for the AC service board, backup generators, and DC power plants. SBC Illinois provides an emergency contact and central office layout binder at an entrance door specified by the local fire department. This book provides emergency information, such as floor plans showing the route to all main power disconnect. In addition, further safety is provided by a color coded taping system on the floors and walls that would guide emergency personnel to the locations of all main power disconnect points. In addition, SBC Illinois "fire stops" all cable holes between floors so that it would provide a two hour barrier to the spread of fire within the central office.

Reasons Waiver is Sought

In assessing whether to seek a waiver from Part 785.55(a)(3), SBC Illinois used three criteria. Mr. Lindsley testified that the principal criteria was whether the reduction in power disconnection points could be done without the risk of losing service to SBC Illinois' retail or wholesale customers. Upon being made aware by the Commission Staff of potential

noncompliance, SBC Illinois' power engineers and the ICC Engineering Staff did site visits to 67 central offices to assess the potential redesign or need to seek a waiver. These 67 offices were those deemed to be possibly out of compliance with the mandates of Part 785.55(a)(3), out of 321 existing central offices in the State of Illinois. Of those 67 offices, SBC Illinois redesigned 55 central offices so that there would be no more than three disconnection points per floor. At the hearing, Mr. Lindsey testified that the redesign of these 55 offices did not require extensive rearrangements, and the cost of the redesign was estimated to be approximately \$400 to \$500 thousand dollars. However, to redesign and to reduce the power transport switching equipment layout in the remaining twelve central offices to a maximum of three disconnection points would have exposed SBC Illinois' network traffic and customers to a high risk of service failure. The limited floor space, limited floor loading restrictions, accessibility to existing building superstructure and cable rack congestion were among some of the factors considered.

At the hearing, Mr. Lindsley testified that the amount of time that service might be disrupted during a reconfiguration could range anywhere from fifteen minutes to a number of hours. The power systems in these twelve central offices support numerous elements including normal switching systems that provide local service, transport systems that provide transport to other areas of the state and tandem switches that provide connections from Illinois to the rest of the country. The length of any disruption of service to SBC Illinois' customers and CLECs during a reconfiguration would depend on which system was involved.

The second consideration that SBC Illinois took into account was fire safety and whether the precautionary measures in place ensured that the power supply for each central office could be properly disconnected in case of a fire. With respect to the twelve central offices, SBC Illinois sought the Illinois State Fire Marshall's guidance on this matter.

Finally, Mr. Lindsley testified that SBC Illinois also took into account the cost of reducing the number of power disconnection points and the cost of modifying or replacing the network equipment. At the hearing, Mr. Lindsley testified that for the twelve offices for which SBC Illinois is seeking a waiver, the amount of work that would need to be done is so extensive that the design alone would take months. Engineering and planning could take approximately one year, and the estimated costs would be in the millions of dollars. It was SBC Illinois'

conclusion that given the risk of lost of service to customers, it was more appropriate to seek a waiver for the twelve offices identified, until such time that SBC Illinois replaces its switching power in those central offices.

Agencies' Consideration

Mr. Lindsley stated that at the direction of the Illinois Commerce Commission Engineering Staff, SBC Illinois solicited the State Fire Marshall's expert assistance to conduct physical inspections of each of the twelve central offices for which SBC Illinois is seeking a waiver in this petition. Those physical inspections were conducted jointly by the Illinois Commerce Commission Engineering Staff, Illinois State Fire Marshall, and Mr. Lindsley and his engineering staff. The purpose of those inspections was to assess the fire safety risk in allowing more than three power disconnection points per floor and whether the existing code layout plans in each central office provided fire personnel adequate directions to disconnect the power supply in case of a fire.

Mr. Lindsley testified that there were two concerns raised by the Fire Marshall inspections, both of which SBC Illinois addressed. One concern related to a central office where an aisle of equipment bays was not properly spaced to allow the fire personnel to reach the power disconnection point. The three master disconnection configurations were reconfigured so that power could be disconnected at a more easily accessible location. The second concern related to the design of Plexiglas covers that were permanently affixed to protect overhead power disconnection points. The concern was that the fire personnel could not easily access the power disconnection point when wearing gloves. The Plexiglas covers were modified by widening the hand-hole and using Velcro strip to attach the cover, allowing the cover to be easily pulled away.

Future Compliance

SBC Illinois has put in place measures to ensure that any future central office power system changes will result in no more than three power disconnection points per floor. Engineering practices have been instituted which involve all central office power engineers in the review process, explaining the requirements of Section 785.55(a)(3) and instructing the central office maintenance engineering and support group to include a review of the number of three master disconnects per floor during their annual power load reviews. In addition, the central offices are inspected once a year to ensure that they meet safety and business standards of operation. The Illinois Commerce Commission's Engineering Staff will also be conducting random inspections.

As SBC Illinois replaces its existing network equipment, the associated power supply systems will also be replaced and configured in a way to reduce the power disconnection points to three per central office floor. This method will enable SBC Illinois to extensively test the new network equipment and its power supply systems without the risk of disrupting service to its existing customers. Once such new equipment is functional, the cutover of customers from the old equipment can be done in a controlled and systematic way without the risk of the power system causing a loss of service.

Agencies' Position on Waiver

Pursuant to Parts 785.65(d) and (e), the Illinois Commerce Commission, the Office of the State Fire Marshall, and the Illinois Emergency Management Agency ("IEMA") are to consider an application for waiver when the application is accompanied by a full statement setting forth the conditions existing and the reasons the waiver is desired. At the hearing, representatives for each agency was present. Misty Matykiewicz, from the Office of the State Fire Marshall; Kevin McClain, from IEMA; and Kathy Stewart, for the Staff of the Illinois Commerce Commission, each acknowledge that they had reviewed and considered the full statement set forth in the Verified Petition for Waiver. Ms. Matykiewicz had no objection to the waiver request for the

twelve SBC Illinois' central offices. Mr. McClain represented that IEMA had no objection to the verified petition.

Ms. Kathy Stewart, Engineering Analyst in the Telecommunications Division of the Illinois Commerce Commission Staff, testified regarding her knowledge of the conditions and reasons for waiver presented in the Verified Petition and testimony presented. Ms. Stewart testified that as part of her job, she conducts inspections of central office facilities throughout the state. In the course of her work, approximately three years ago, a conflict with Code Part 785 was identified in one of SBC Illinois' offices. Following the identification of this conflict, SBC Illinois inspected all of their central offices to determine which of them were possibly out of compliance with that code part. Ms. Stewart confirmed that she, with the Staff of the Illinois Commerce Commission, had worked with SBC Illinois for the next two years in establishing procedures to bring as many as possible of the non-compliant central offices back into compliance with Part 785.55. Staff also asked for the assistance of the State Fire Marshall to develop alternative fire safety procedures for those offices that could not be remedied without extensive costs and risk of danger to facilities and services. In considering whether waiver should be granted, Ms. Stewart considered those factors presented in SBC Illinois' Petition and the testimony of Mr. Lindsley, such as the economic impact of compliance and service interruption potential. Following her consideration of these factors, Ms. Stewart recommended that a waiver be granted for the 12 central offices in question.

FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- 1) SBC Illinois is engaged in the provision of telecommunications service and is a telecommunications carrier as defined in Section 13-202 of the Act;
- 2) SBC Illinois is a "carrier" as defined in 83 Ill. Admin. Code 785.5;
- 3) the Commission has jurisdiction over the subject matter of this proceeding;
- 4) the recitals of the facts set forth in the prefatory portion of this order are supported by the evidence of record and are hereby adopted as findings of fact;

- 5) the provisions of 83 Ill. Admin. Code, 785.55(a)(3) from which a variance is sought are not statutorily mandated;
- 6) no party will be injured by the granting of the waiver;
- 7) the two agencies, the Office of the State Fire Marshall and the Illinois Emergency Management Agency, have in accordance with Section 785.65 considered the application for this waiver and the testimony setting forth the conditions existing and reasons why such waiver was desired, the Petition and testimony set forth for the Agencies' consideration has included the economic impact of compliance, the costs and rate consequences and service interruption potential;
- 8) the waiver for each of the twelve central offices shall remain in effect for each central office until the power supply system is replaced in that central office or until the Commission ceases or suspends the waiver;
- 10) subject to the terms and conditions of this order the prayer of the petition may be reasonably granted and the public will be inconvenienced thereby.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Illinois Bell Telephone Company is granted a waiver from the requirements of 83 Ill. Admin. Code 785.55(a)(3) for each of the twelve central offices located in Arlington Heights, Aurora, Champaign, Chicago (3), Elk Grove, LaGrange, Naperville, Northbrook, Oak Brook and Waukegan.

IT IS FURTHER ORDERED that such waiver for each of those central offices shall remain in effect until the power supply system is replaced in that central office or until the Commission ceases or suspends the waiver.

IT IS FURTHER ORDERED, that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Admin. Code 200.880, this order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this ____ day of May, 2005